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**VEGAS PROPERTY SERVICES, INC.**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF THE  
CWABS, INC. ASSET-BACKED  
CERTIFICATES, SERIES 2005-11,

Plaintiff,

vs.

VEGAS PROPERTY SERVICES, INC.;  
SHADOW SPRINGS COMMUNITY  
ASSOCIATION; and DOES 1 THROUGH  
10, inclusive,

Defendants.

Case No. 2:17-cv-00776-MMD-NJK

**STIPULATION AND ORDER TO  
WITHDRAW AND REBRIEF MOTIONS  
FOR SUMMARY JUDGMENT**

Pursuant to LR 6-1, Plaintiff THE BANK OF NEW YORK MELLON (“BONY”), Defendant VEGAS PROPERTY SERVICES, INC., (“Vegas”) and Defendant SHADOW SPRINGS COMMUNITY ASSOCIATION (“HOA”) by and through their respective counsel of record, hereby agree and stipulate as follows:

This Court previously imposed a stay of litigation pending resolution of the Certified Question to the Nevada Supreme Court. [ECF No. 78]. The Court denied all pending Motions [ECF Nos. 44, 63] without prejudice to refile the same within 30 days from the stay being lifted.

On August 2, 2018, the Nevada Supreme Court answered the Certified Question, and the



1 parties filed a joint status report regarding the same on August 7, 2018. [ECF No. 79]. After  
2 reviewing the parties' joint status report, the Court lifted the stay on August 9, 2018. [ECF No. 82].

3 Thereafter, BONY filed a renewed Motion for Summary Judgment on August 20, 2018  
4 [ECF No. 83]. Vegas filed a renewed Motion for Summary Judgment on September 10, 2018. [ECF  
5 No. 84]. Vegas filed an opposition to BONY's renewed Motion for Summary Judgment on  
6 September 10, 2018. [ECF No. 85].

7 On September 13, 2018 the Nevada Supreme Court issued its decision in *Bank of America,*  
8 *N.A. Successor by Merger to BAC Home Loans Servicing, LP, F/K/A Countrywide Home Loans*  
9 *Servicing, L.P. v. SFR Investments Pool 1, LLC*, Case No. 70501, 134 Nev. Adv. Op. 72 (Nev. Sep.  
10 13, 2018) (Referred to hereinafter as the "*Diamond Spur*" decision).

11 Upon review of the *Diamond Spur* decision, the parties agree that many of the issues raised  
12 in the parties renewed Motions for Summary Judgment are directly affected by the Nevada  
13 Supreme Court's recent decision. As such, the parties have agreed that it would be worthwhile to  
14 allow the parties time and opportunity to withdraw their renewed motions, rebrief their arguments  
15 in light of the new case law, and resubmit revised motions for the Court's consideration.

16 ACCORDINGLY, IT IS HEREBY AGREED AND STIPULATED that BONY's Renewed  
17 Motion for Summary Judgment [ECF No. 83], Vegas' Renewed Motion for Summary Judgment  
18 [ECF No. 84], and Vegas's Opposition to BONY's Renewed Motion for Summary Judgment [ECF  
19 No. 85] are withdrawn.

20 IT IS FURTHER AGREED AND STIPULATED that each party shall have thirty (30) days  
21 from the date of this Order to rebrief and resubmit their respective Motions for Summary.

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1 DATED this 20<sup>th</sup> day of September, 2018.

2 THE WRIGHT LAW GROUP, P.C.

3  
4 /s/ John Henry Wright

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8 *VEGAS PROPERTY SERVICES, LLC*

9  
10 Dated this 20<sup>th</sup> day of September, 2018

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17 *SHADOW SPRINGS COMMUNITY*  
18 *ASSOCIATION*

DATED this 20<sup>th</sup> day of September, 2018.

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/s/ Colt B. Dodrill

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*Attorneys for Plaintiff*

*THE BANK OF NEW YORK MELLON*

19 **ORDER**

20 IT IS SO ORDERED.

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UNITED STATES DISTRICT COURT JUDGE

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24 DATED: September 24, 2018